



02 July 2021

Leanne Robertson
Assistant Director-General
Strategic Policy and Legal Services
Department of Justice and Attorney General

By email: covid.bill@justice.qld.gov.au

Dear Leanne Robertson,

Justice Legislation (COVID-19 Emergency Response – Permanency) Amendment Bill 2021 (the Draft Bill)

Thank you for the opportunity to provide feedback on the Draft Bill and associated consultation paper.

The Queensland Council of Social Service (QCOSS) is Queensland's peak body for the social service sector. Our vision is to achieve equality, opportunity and wellbeing for every person, in every community.

Our comments on the Draft Bill and consultation paper are limited to Parts 3 and 4, which are concerned with the Domestic Violence and Family Reforms including *The Domestic and Family Violence Protection Act 2012* (DFVP Act) and the *Domestic and Family Violence Protection Rules 2014* (DFVP Rules).

We understand that the Draft Bill would permanently implement the following measures from the DFV COVID Reforms:

- I. make permanent the option to use AV or audio links in DFV proceedings to provide greater flexibility in how proceedings may be conducted
- II. allow the option for private applications for a protection order and variations of a DVO to be verified between the applicant and a Magistrate, as an alternative to verifying the application by statutory declaration in urgent situations only
- III. extend the option for all parties to file documents electronically, with the approval of the Principal Registrar of the court.

Our ability to make a meaningful submission about the Draft Bill has been limited because we have not obtained the expertise and insights of front-line workers due to the confidential nature of your consultation.

QCOSS is broadly supportive of the draft Bill's intent to modernise and streamline DFV proceedings and increase access to justice for DFV victims/survivors beyond the COVID-19 emergency. We also recognise that the Draft Bill aims to maintain appropriate safeguards

including access to DFV supports and takes into consideration the current capacity of the Magistrates Court to make these reforms permanent.

While being broadly supportive of the draft Bill's intent, we would like to direct the Department's attention to the following evidence and urge you to undertake further consultation with relevant sector experts and organisations before the reforms are made permanent:

- Research by Page and Robertson has brought to light some of the barriers that audio-visual technology creates for young peoples' access to justice.¹ They note that audio-visual links impacted the formation of trust between young people and lawyers and that disadvantage is a factor that may limit the effective use of technology in a legal context. While these issues may not translate directly to barriers faced by victim/survivors of DFV, these types of issues should be explored to ensure technology itself does not become a barrier to establishing trust and access to justice for victim/survivors of DFV.
- Regarding allowance for unverified private applications for DVOs, a QCROSS member organisation has raised concerns generally about a trend in retaliatory orders being sought by DVO respondents, which are intended to be vexatious to the victim/survivors and not based on fact. Permanent reform amendments will need to ensure victim/survivors of DFV are protected from further abuse through the weaponsiation of the legal system.

QCROSS recommends that the Department consult more broadly with the sector on a non-confidential basis to understand the full impacts of proposed reforms. We will be happy to assist you to undertake a non-confidential consultation process with our member organisations and ensure that any proposed reform will increase access to justice to victim/survivors of DFV.

Thank you again for the opportunity to provide feedback to the Draft Bill.

Yours Sincerely,



Aimee McVeigh
Chief Executive Officer

¹ Page E, Robertson, C, *Appearing in Court via Audio Visual Link: Issues for Young People*. 2016. Accessed 30/06/2021. <https://law.uq.edu.au/files/38147/Appearing-in-court-by-AVL-issues-for-young-people-PageRobertson-June2016.pdf>